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TWENTY-FIRST YEAR.

14 PAGES.

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STRONG MEN
VS. STATUTESJudge Parker Argues for
Government by Latter

ATTACK UPON ROOSEVELT

To Whose Administration
He Points as an Instance
of a Failure to Substitute
For the Law a One-Man
Rule.

Ogdensburg, N. Y., Oct. 27.—Judge Parker, in his speech here tonight, dwelt upon what he styled "Roosevelt's utter disregard of the constitution and law."

Having in mind the colonel's present up-state tour, he said:

"Roosevelt feels that the laws should give way to government by strong men, so he begins an open campaign for what he calls the 'new nationalism,' with the executive in charge of the public affairs and Congress and the judiciary subordinate instead of co-ordinate departments of the government, and the national government in possession of the powers now enjoyed by the people of the states."

"The plea of necessity for this evolution he bases in a large part upon the failure of the government, so far, to protect the people from combinations in restraint of trade. He says, 'No, they have come to stay.'"

"We must have witnessed what strong men may do. The colonel as president gave consent to the absorption of the Tennessee Coal & Iron company by the United States Steel corporation. Let us test the sincerity of his argument. In his speech of acceptance in 1904 he demanded more statute laws to enable him to reach these trusts and the great railroad corporations."

"I answered then that there was law enough now. What was needed was its enforcement. Ex-Senator Foraker has taken pains to prove from the records of the attorney general's office that we did have law enough, and further that the Hepburn bill served no more useful purpose than to give an appearance of support to the president's contention of insufficient law."

"Again, being informed by the supreme court that the Sherman anti-trust act is a criminal statute, he chose not to enforce it, but to bring spectacular civil suits instead. To relieve himself from public censure because more organizations to prevent competition came into existence during his presidency than in all other times in the history of the country, he entered upon a trade against the courts which still continues."

"But will he succeed in substituting a government by strong men for a government by law? The signs of the times indicate not. The people are aroused. Ballots instead of bullets will be employed when the constitution of the United States is attacked at home, while bullets instead of ballots will be used if the foe be foreign."

OTHER SIDE OF THE CAMPAIGN.
Utica, Oct. 27.—Colonel Roosevelt spent his fifty-second birthday in the thick of the fight for the republican state ticket. It was a rainy and muddy day and the colonel had no time to celebrate.

He assailed Dix, the democratic nominee for governor of New York, tonight more severely than ever. The colonel also criticized Winfield A. Huppuch, the chairman of the democratic state committee, saying that he was a man who should not be trusted. Roosevelt was welcomed everywhere by large crowds. He spoke at Fondra, Johnstown, Gloversville, Amsterdam and Little Falls during the day, returning here and making two speeches tonight.

Concerning Dix's labor record Roosevelt said: "Last Sunday there appeared in the New York American an address written by Hearst which alleged that Dix and his partners employed hundreds of men in the paper mills, and that those men worked twelve hours a day for \$1.50 and that when the other paper mills of the country had given their men an eight-hour day and raised their wages to \$2, Dix, as a concession, raised the wages of his men 10 cents a day and provided as an offset that the should work thirteen hours a day for five days in the week and twelve hours the sixth. Dix has not denied these statements. Unless they were true, he would have denied them when they were made."

Roosevelt enumerated the bills benefiting workmen passed during his term as governor of New York, and as president, and said the republican nominee for governor stood for a continuation of this work.

Roosevelt said that Huppuch, Dix's business partner, and other democrats were saying that the tariff is too high. He continued: "The man who de-

clares publicly that the tariff duties are too high, and who for his private business tries to get them made higher is a man who cannot be trusted. You cannot trust a party which puts him forward as its official."

WESTERN PACIFIC GETS IN.
An Amicable Arrangement With the Santa Fe Effected.

San Francisco, Oct. 27.—A telegram was received by the local officers of the Western Pacific railroad today from E. L. Lomax, passenger traffic manager of that road, stating that he had consummated arrangements in Chicago for an open interchange of passenger business with the Santa Fe at San Francisco and Stockton.

An interchange has also been effected, according to Mr. Lomax, with the Pacific Coast Steamship company, via Los Angeles, to points on the Santa Fe coast lines.

This arrangement will enable the Western Pacific to become a factor in the sale of interchangeable tickets from all eastern points to the Pacific coast. Before this deal was entered into it was not possible for the Western Pacific to enjoy any business to or from any Pacific coast point except those on its own line.

THE REBELLIOUS DOON
THREATENS TO RESIGN

AS THE MANAGER OF THE PHILLIES.

The Trouble Grows Out of the Cincinnati Deal.

Philadelphia, Oct. 27.—Doon has resigned as manager of the Philadelphia National league club, though President Fogel has not received his resignation. Fogel wired President Lynch of the National league requesting him to warn President Herrmann of the Cincinnati club not to tamper with the Philadelphia players, so far as Fogel is concerned, and that the Cincinnati-Philadelphia deal, which has caused much turmoil in the Philadelphia club, was off. Fogel said tonight that if what he had heard is true, he will probably receive Doon's resignation tomorrow morning.

"I do not take Doon seriously," he said. "I believe he will come down to see the matter in the proper light. I waited in my office late today expecting a visit from him, but he did not put in an appearance. Of course, I cannot take any action upon the alleged resignation until I receive it."

Fogel looks upon the reported threat of Herrmann to take the matter before the national commission as a joke. Doon stated that he will not go to the office of the National league in this city to see Fogel. "Fogel has to come to see me," he said.

Both Doon and Fogel were present at a banquet given by the owners of the American league club, the world's champions tonight, and occupied seats where their elbows almost touched, but neither appeared anxious to discuss baseball.

THE VICTORIA FIRE.

The Loss Estimated at a Million and a Half.

Victoria, B. C., Oct. 27.—The loss by last night's fire in the square bounded by Government, Fort and Broad streets, and Troncho alley, is estimated at \$1,500,000, with insurance of \$500,000.

Mrs. Shore, wife of the proprietor of the Bismarck hotel, dropped dead of heart failure during the fire. None of the fire-fighters were seriously injured. Three hundred and fifty people are temporarily thrown out of employment.

AERONAUTIC HEROES
ENROUTE TO NEW YORK

Hawley Says Their Experiences Were Not Unpleasant.

Quebec, Oct. 27.—Hawley and Post, the heroes of the greatest balloon flight on record, arrived here tonight, after an experience more trying than the earlier reports indicated. The first day after leaving the America at the end of their journey, on the banks of the Peribonka river, Hawley's leg was injured so severely that he was laid up for several hours, and he has not yet fully recovered. Here the aeronauts received their first welcome back to civilization. Gebhardt Willrich, the American consul, met the party on the arrival of the train from Chicoutimi this evening, and escorted them to Hotel Frontenac, where a dinner was given in their honor. After resting until 11 o'clock, they resumed their journey to New York.

"There was never a time," Hawley said tonight, "when I considered that our lives were actually in danger, but our supply of food was short, and we considered that we were fortunate in reaching Jacques Maltais' cabin in the woods when we did."

"Taken all together, it was not an unpleasant experience, and the cup for which we made the flight remains at home."

A DIVIDED
COMMITTEE

Not Easy to Agree on Initiative and Referendum

EACH FAVORS HIS OWN

A Possibility that the Committee Proposition Will be Reported Today. Some Members Begin to Observe Flight of Time

Notwithstanding the announcement of last Monday that a part of the legislative committee had agreed upon an initiative and referendum proposition which would be submitted to the full committee and which would likely be presented to the convention yesterday, the committee is said now to be far from agreed and there is no one able to say when the proposition will be offered. An agreement may be reached by this afternoon but it was the opinion of most of the members that the proposition could not be offered before tomorrow, if then.

As to the points of difference in the committee there is little information though it is understood that those members of it who have introduced propositions on this subject are each insisting that his shall be the measure to be presented.

The percentage which should be required for petitions has been little discussed in the committee as it was understood that there would be no recommendation regarding that feature which would be left to the convention. In the beginning, that was supposed to be the only point on which the convention would likely divide.

This afternoon is the time set for committee hearings on the question of the separate submission of prohibition and woman suffrage propositions. The opportunity will be given at three o'clock this afternoon. The hearings will be public. Whether the suffragists will avail themselves of it is not certain but Superintendent Burke of the Anti Saloon league, Rev. Robert S. Fisher and others will appear in behalf of the proposition.

The need of greater expedition is beginning to be realized by members if the constitution is to be placed before congress at the short session. There is a growing sentiment that if the New Mexican constitution reaches congress at that session and the Arizona constitution does not, it might as well not be sent in at all. Mr. Cassidy today will offer a resolution providing for the holding of night sessions beginning with next week. So far there has been little opportunity for committee work, so little that it has been difficult to enlist the attendance of committee men.

The session yesterday was without much interest. The chief event was the smothering of a proposition by Mr. Curtis of Santa Cruz country for no other apparent reason than that it was offered by a republican. This happened in the afternoon. The proposition related to corporations, banks and currency. It dealt in the first place with charters of corporations and their regulation. Many of the restrictive features were similar to those of the Ellinwood measure. Before the reading of it was finished, Mr. Cobb observed that the members were not following it though the reporters and spectators in the gallery were doing so with interest and he moved that it be read by title and referred. This was the first time that a measure on its first reading was sent over that cross-till route, while full and unnecessary readings have been given all propositions.

An important proposition was offered in the morning by Mr. Jones of Maricopa. It provides for the creation of a railroad commission and for the regulation and taxation of railroads, and it is to be a commission of a membership of three chosen by election. The commission is authorized and ordered to make maximum rates and charges and there is placed under its jurisdiction electric companies and telephone companies and express companies beside special transportation companies such as refrigerator lines. The rolling stock of the company is to be regarded as personal property, liable to execution and sale.

Sections relating to taxation are as follows: Section 7. Common carriers shall make such reports, under oath, and provide such information concerning their acts and operations as may be required by law, or a railroad commission, and the value of franchises and property of common carriers so reported exceeds the value reported by such common carriers to the state board of equalization the value reported for purposes of tax-

ation shall be used as the value in determining and fixing the rates and charges to be made and collected for services of such common carriers.

Section 9. The franchise, roadway, roadbed, rails and rolling stock of all railroads, and the franchises and all other property of express companies, refrigerator car line companies, car equipment companies, sleeping car companies, dining car companies, telegraph, telephone and electric transmission companies or corporations operated in this state and used directly or indirectly in carrying passengers, property, messages and electricity, shall be assessed by the state board of equalization at their actual value, and such assessed value shall be apportioned to the companies, cities, towns, villages, townships and districts in which such companies or corporations are located or through which they are operated, as a basis for the taxation of such property, in proportion to the number of miles of such property, within such counties, cities, towns, villages, townships and districts, or over which any part of such property is used or operated within such counties, cities, towns, villages, townships and districts; provided that in case the state board of equalization is unable to determine the actual value of the property of such companies or corporations, the paid in capitalization and interest bearing securities shall be deemed the actual value.

The railroads are not denied the constitutional right of appeal from the orders of the commission.

Mr. Kinsan introduced a proposition providing for a legislature consisting of twenty members of the assembly and fourteen members of the senate, each county being a senatorial district. The membership of the assembly can never exceed forty. The apportionment made by the proposition is as follows: Cochise, 5; Pima, 3; Santa Cruz, 1; Graham, 2; Gila, 2; Pinal, 1; Maricopa, 5; Yuma, 1; Navajo, 2; Mohave, 1; Coconino, 1; Apache, 1; Navajo, 1; Greenlee, 1. The term of senators shall be four years; of assemblymen, two years.

The term of the legislature shall be sixty days and the per diem, \$5. Members will be allowed a mileage of ten cents and from their homes to the capital. The minimum age of senators is twenty-five years and of assemblymen twenty-two years. Among many other provisions is one that a member who has been expelled for an offense and re-elected cannot be expelled again for the same offense.

Other propositions were as follows:

By Mr. Short: Authorizing legislation to provide for the purity of the ballot.

By Mr. Scott: Providing for religious toleration but prohibiting polyamy.

By Mr. Willis: Creating county offices.

By Mr. Lovin: A bill of rights.

By Mr. Curtis: A corrupt practices act.

By Mr. Cuniff: A recall measure requiring that petitions for a recall election be signed by not less than thirty per cent of the voters, the basis being the vote cast at the last preceding election for governor. This measure differs from previous recall propositions in that it provides that a vacancy shall be filled in the manner provided by law for filling other vacancies and not at the same election.

In the afternoon the committee on ordinances reported the federal relations proposition offered by Mr. Parsons without recommendation and submitted for itself the "irrevocable ordinances" required by the enabling act.

YOUTHFUL PRISONER
PROBABLY A LIARBoy in a St. Louis Jail Claims to Be
Grandson of Gladstone.

St. Louis, Mo., Oct. 27.—A 19-year-old youth held in the city jail here for the Washington police in connection with the alleged theft of two cameras, and who claimed to be a grandson of William E. Gladstone, former premier of England, developed into mystery today.

When confronted with evidence which tended to discredit his claims, the young man refused to talk. The police believe he is endeavoring to shield his family. He said when he was first arrested that he was Gilbert E. Gladstone, the eldest son of Viscount Herbert John Gladstone, governor general of South Africa, and that he had one brother in England and two sisters in Paris.

Today when told that the records appeared to disprove this, he refused to discuss his family further. It is said that he used the name of Nickerson. Asked how he came to this country, he replied: "I was a student at Harvard, but flunked in mathematics and quit."

The Harvard authorities say you are not enrolled on their books," he was told.

"I have nothing more to say," was his only comment.

Whether a Gladstone or not, he appears to have an intimate knowledge of the Gladstone family, and talks glibly of English officials, both in England and the Washington embassy. He met Ambassador James Bryce, but declined to talk to the British consul here.

A NEW THING
IN AVIATIONLong Distance Flights Made
Backward

ON THE WINGS OF THE WIND

Two Members of Wright
Team and Were Carried
From Belmont Park for
the Distance Record of
Tempestuous Day.

New York, Oct. 27.—There were such caprices of October weather that Ralph Johnstone and Arch Hoxsey, of the Wright team aviators, went for altitude at Belmont park this afternoon and brought down the record of the day for distance.

The fifth day of the international aviation meet opened with full promise and closed with a howling wester that filled the air with whirling autumn leaves, slammed down the benches of the grand stand, ripped out the canvas screens and sent such a skidding line of dust dancing around the track that lamps had to be lighted outside the hangars for the mechanics to find their way about.

In spite of the furious end of the day, its postponements and disappointments there were scattered feats of the most daring aviators that have yet been witnessed by an American crowd.

Officially, the flights for the Gordon Bennett cup elimination trials to pick the American team to defend the international trophy were opened at 9 a. m. but nobody dared come out for them with the wind blowing.

At 1:30 p. m. a special price of \$10,000 offered by Thomas F. Ryan, for a flight from the field to the Statue of Liberty and return was open to any aviator, but none dared to try. They chose to take advantage instead of the latest largesse allowed by the committee, permission to compete between 1:30 and 3:45 on any afternoon during the meet, provided only that the finish is made before 5:30.

The narrowed the program down to one event for distance, altitude, Latham, in an Antoinette, for distance and Hoxsey and Johnstone, of the Wright team, for altitude, were the only ones to brave a gale of from 20 to 25 miles an hour.

Johnstone and Hoxsey tried to set their wings and soar into the gate of the horizon, but it was shown that the way of the eagle in the air is still one of the things men do not understand. They kept their speed beautifully, but although the speed of the planes, flying normally, is thirty-five miles an hour, with the engines running wide open, they were pushed steadily back down over the edge of the horizon, both being driven miles of their course. Word came from Hoxsey first, that he had landed safely at Brentwood, twenty-five miles distant. Johnstone was carried fifty-five miles to Middle Island, a village on Long Island.

They were the two longest flights of the day. Both telephoned that they hoped to fly back to the course tomorrow. Neither could be caught by telephone again after they had reported to Wilbur Wright, and from him came the details of their adventure.

"As an incident," Wright said, "there was none. It was just one straightforward progress, backwards. When they got up a thousand feet or more, they struck a wind blowing about twenty-five miles an hour faster than they could travel. They estimated that it must have been sixty-five to seventy-five miles per hour, so they just drifted. That's all there was to it. But I guess it's the first time in the history of aviation that anybody ever made a flight tail-end foremost."

A special event for distance and altitude was added to the program to amuse the crowd, but it was over long before anyone came out. Finally, Audemars, a Swiss, in a tiny Demolisse, danced over the course, but it was no day for the yellow butterfly and after two rounds Audemars headed prudently and went to his hangar. If he had started just one minute earlier he might have won for the first hourly distance, with one lap—but the bomb banged before he was three-fourths of the way around.

To Brookings, instead, fell the easy money. With a flight of but twenty minutes, in which he rose to an altitude of 650 feet, he brought down \$500 for the first place in the special event for altitude and duration. It could not be called a contest, because there was no competitor, but Brookings felt that he had earned the money.

"Twenty-five dollars a minute may seem high pay," he said, "but I went out to prove the ability of the Amer-

ican machine to ride a gale that no foreigner would dare."

All further events were called off today.

CUSTOMS FRAUDS.

Accomplished By Rebates Amount to Millions.

New York, Oct. 27.—Another alleged leakage in the customs service, whereby duties ranging into millions have been diverted from the federal treasury became known today, and is being investigated by William Loeb, Jr., collector of the port. The inquiry deals with rebates allowed importers of fruits. The shipments were reported decayed and unfit for the market. The rebates on lemons are said to represent the greatest loss. Unofficial estimates of the amount turned from the treasury in this item alone since the McKinley tariff law became effective range from \$1,500,000 to \$4,000,000. The duty paid on lemons since 1890 exceeds \$18,000,000.

A MILITARY TRANSFER.

Washington, Oct. 27.—(Special.)—Second Lieutenant Thomas E. Cathro of the Thirteenth cavalry, now at Los Angeles, has been ordered to Fort Huachuca.

GRAND JURY INQUIRY
OF TIMES EXPLOSION

THE OPENING OF THE INVESTIGATION.

The Most Important Witnesses to Be
Heard Next Week.

Los Angeles, Oct. 27.—Thirty witnesses were examined today before the special grand jury investigating the Times explosion. Most of them were called to establish that twenty-one persons were killed. William Mulholland, chief engineer of the aqueduct and W. S. Crabb, foreman of the composing room gave testimony in line with the previous investigation that the destruction of the building was the result of a dynamite explosion.

The ground work was laid by these two which it is expected to build up to the indictment stage by the testimony of witnesses to be brought from San Francisco. The jury will meet again tomorrow but it is not expected that the northern witnesses will come until next week.

Charles S. Weil, foreman of the jury, indignantly denied that threats had been received by any member. This was published by one paper.

NO ARRESTS IN MEXICO.

Mexico City, Oct. 27.—The Acapulco correspondent of the Mexican Herald, in a telegram received late this afternoon, denied that any arrests of persons suspected of being the Los Angeles dynamiters had been made there.

FEARS FOR A SCHOONER.

It Is Twenty-three Days Overdue, at
Nome.

Seattle, Oct. 27.—The twenty-five ton gasoline schooner Maru Sachs, Captain Peter Barnard, from Kotzebue bound for Nome, carrying between her crew of two a party of fourteen miners from the Squirrel River diggings with \$7000 in gold dust is twenty-three days overdue at Nome and it is believed has gone down with all on board.

Violent storms have raged since the vessel began her voyage. The schooner was owned by H. O. Greenberg of Nome, a mining operator.

THE CITY OF TACOMA
GETS ANOTHER CHANCEBut the Census Director Sends a
Warning.

Washington, Oct. 27.—Reiterating and emphasizing his previous allegations of fraud in connection with the census, the director of the census forwarded to the Tacoma committee a letter conceding the request for a re-enumeration of the population of that city. The director makes a condition that no private individual or private organization, shall in any way undertake to interfere with, or assist in the work of re-enumeration, except in such a manner as shall be approved by himself.

"My intention," he said, "after the enumerators have completed their work as fully as possible is to give the local commercial organization an opportunity to ascertain whether names should be added, but until that time no interference whatever by private individuals or organizations will be permitted."

He closes the warning with the declaration that if any such interference be attempted the enumeration will cease at once.

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CALIFORNIA
LEMON RATEThe Circuit Court Suspends
Commission's Order

THE RATE IS SUSPICIOUS

Some Questions Are Presented Which the Circuit
Court Decides to Put up
to Commerce Court for
Settlement

St. Paul, Oct. 27.—Judges Vandeventer, Sanborn and Adams of the United States circuit court this afternoon, handed down an order restraining the interstate commerce commission from putting into effect the reduced rate on lemons from southern California to the Atlantic seaboard. The opinion further states that the case will shortly go to the newly created commerce court which must render the final decision in the case.

The lemon rate case was brought by the Santa Fe and several other railroads against the interstate commerce commission, and the application for an interlocutory injunction was argued before Circuit Judges Sanborn, Vandeventer and Adams last week.

The lemon case, which is challenged by the railroads, grew out of what is known as the commission's blanket rate of \$1 per 100 pounds for the transportation of lemons in carloads from southern California to any point between the Rocky mountains and the Atlantic seaboard. The present rate is \$1.15 per 100 pounds.

A rate of \$1 per 100 pounds, whether the lemons were destined for Denver, Kansas City, Chicago, Philadelphia, New York or Boston was prescribed by the commission last June and was alleged to be a discriminatory and inequitable rate in that it makes the railroads carry lemons 3,500 miles at the same rate as for 1,000 or 1,500 miles.

The opinion says the question presents new and important features and the judges believed that there was such a serious doubt of the validity of such rate that its enforcement should be enjoined until its validity was determined.

"For this reason," the court says, "the circuit judges will postpone further hearing upon the application for an injunction until the organization of the commerce court and will also grant a restraining order against its enforcement."

A STRIKE OF TEAMSTERS
THREATENS MANHATTANStarting in Jersey It Has Spread
Across the River.

New York, Oct. 27.—The strike of express wagon drivers and helpers spread from New Jersey water front to Manhattan today and assumed a more serious aspect. The service was almost halted at both the Grand Central and West Shore stations in this city, and tonight a threat of a general strike designed to tie up the whole metropolitan district is made by officers of the International Brotherhood of Teamsters.

There was further rioting during the day following the arrival of strike-breakers from New York in New Jersey. Wagon helpers employed by both the Adams and American Express companies in New York joined in the walk-out. The Adams helpers in Jersey City also struck. Both the United States and Wells Fargo companies are already involved in the trouble.

Efforts of the companies to continue the service with strike-breakers brought the threat of a general strike.

ROMAN CHOLERA.

Rome, Oct. 27.—Only three new cases of cholera and four deaths were officially reported during the past twenty-four hours.

WEATHER TODAY.

Washington, Oct. 27.—Forecast for Arizona: Fair Friday and probably Saturday; no much change in temperature.